

Serial No. 10/643,383

Amend. In Resp. to Off. Act. of Aug. 15, 2005

UTILITY PATENT

B&D No. TN2491A

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 4A-4B. This sheet, which includes Figs. 4A-4B, replaces the original sheet including Figs. 4A-4B.

Attachment: Replacement Sheet

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REMARKS

Claims 11-13 therefore are pending in the present application.

The Examiner objected to the drawings for missing FIGS. 4A-4B from the parent case. In response, Applicants hereby provide such missing figures. As noted by the Examiner, the parent case has such figures. Accordingly, no new matter has been introduced.

The Examiner rejected Claims 11-13 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,298,712 ("Alexandres") in view of the prior art acknowledged by the Applicants ("the APA") and US Patent No. 4,322,597 ("Hooke"). This rejection is respectfully traversed.

Claim 11 calls for a method for manufacturing a battery pack comprising the steps of providing a housing and two cells, at least one cell having a weld area, welding a strap between the two cells, and disposing the cells in the housing, wherein the strap is welded by disposing a first electrode on the strap outside of the weld area and a second electrode on the at least one cell outside of the weld area, and providing a current between the first and second electrodes.

Admittedly, Alexandres teaches a method for manufacturing a battery pack including the steps of providing two cells, at least one cell having a weld area, welding a strap between the two cells via two electrodes, and providing a current between the two electrodes. However, Alexandres does not disclose disposing a first electrode on the strap outside of the weld area and a second electrode on the at least one cell outside of the weld area.

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The Examiner noted that at least one of electrodes 54, 56, 58 is disposed outside of the weld area. However, all three electrodes are being placed on the button cap 42, which is typically the weld area. See, e.g., FIGS. 1C and 2C of the present application. Accordingly, Alexandres discloses placing three electrodes inside the weld area.

Furthermore, Alexandres does not disclose placing any electrodes on the cell outside of the weld area, as all three electrodes are placed on the strap inside the weld area.

By contradistinction, Claim 11 requires "disposing a first electrode on the strap outside of the weld area and a second electrode on the at least one cell outside of the weld area." In other words, both electrodes must be disposed outside of the weld area, one on the strap and another on the cell. Such feature is not shown by Alexandres.

Furthermore, even if Alexandres were combined with the APA and Hooke as suggested by the Examiner, the claimed method would not be practiced as the APA and Hooke show disposing at least one electrode within the weld area.

Because the Alexandres/APA/Hooke do not disclose such placement, the combination cannot render unpatentable Claim 11 and its dependent claims.

In view of the foregoing, Claims 11-13 are patentable and the application is believed to be in condition for formal allowance.

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No fee is believed due. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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